

Specifically, claim 1 recites,”... a data control means for controlling the output of said digital voice data, stored in said buffer means, based on said detection signal; wherein, said data control means outputs a dummy code to said expansion means, in the case when said digital voice data stored in said buffer means is less than a required amount for play back; in contrast, in the case when said buffer means approaches an overflow amount, said data control means does not allow the output of said digital voice data to said conversion means...”. Thus the Applicant provides a control of the amount of the speech information in the speaker buffer within certain frame.

In making the rejection, the Examiner acknowledges that references to Henley et al., Shiono do not explicitly teach a selective disposal unit for discarding digital voice data. The Examiner stated in the Office Action that newly cited reference to Kondo et al. teaches a data discarding technique analogous to the Applicant’s. Applicant is respectfully disagrees.

The patent to Kondo et al. focuses on resolving of a different problem and provides a schematically different system. Specifically, the invention of Kondo et al. aims to control the amount of speech information for multiplexing by recognizing and discarding packets with small influences on the speech sound quality. The system taught by Kondo et al. provides a speech signal multiplexing for use in a communication network where a number of terminals is greater than the number of transmission channels.

In Kondo et al. a diagram illustrating a structure of the packet selecting means 820 is shown in Figure 11. When the number of packets within the memory 821 (queue) “is increased so that it is feared that buffer overflow may take place in a speech packet communication system, it is possible to discard packets in an effort to delete only those having small influences on the speech sound quality and thus to control the number of packets within the FIFO memory (queue) to minimize degradation of the speech sound quality. “(Column 14, lines 65-68 to column 15, lines 1-7).

Comparing the present invention method and Kondo’s et al. approach the following points should be recognized:

First, Applicant’s method is more focused on controlling the appropriate amount of

speech data in the speaker output buffer by mere halting of the information from decoding buffer 301, when the signal of overflow from control unit 100 is received. In contrast, Kondo et al. teaches elimination of packets of information having small influences on the speech sound quality, which means that in Kondo et al. the sorting of the speech packets information takes place. Applicant does not sort the speech information.

Second, it should be noted that the Applicant provides regulation of speech amount just before D/A converting, in the speaker output buffer. The packeting selecting means 820 from Kondo et al. is located before the transmitting line, and in the receiving part the discarding is not provided. This means that Applicant's and Kondo's et al. systems are related respectively to the receiving and transmitting parts and cannot be comparable or combinable.

Next, Kondo's et al. system reacts only to overflow of the buffer, when the Applicant clearly claims that present invention reacts to the low and high buffer states.

Responding to Claim 4 rejection under 35 U.S.C. §103(a) as being unpatentable over the combination of Henley et al, in view of Shiono in view of Kondo, in further view of Li et al. (U.S. Patent 5,617,423) for the reason that Li et al. teaches echo cancellation, Applicant respectfully submits that claim 4 depends on claim 1, which is patentably distinguishable over the prior art relied on by the Examiner.

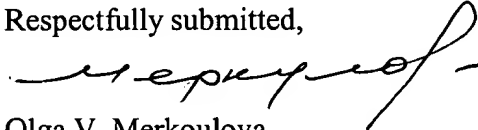
Further, the Applicant respectfully points out that the Examiner's attempt to combine elements from transceivers and transmitters from different speech data systems is improper and ignores the teaching of the present invention which is related to the receptive part of the speech transmitting system. The combination, proposed by the Examiner, is based solely on hindsight not permitted by Section 103 of the Patent Statute. Therefore, the reference to Kondo et al. clearly does not make up to the deficiencies of Henley et al, Shiono and Li et al. In view of the above, a combination of Henley et al, Shiono, Li et al. and Kondo et al. would not yield or make obvious the manner in which the output of digital voice data is accomplished in the present invention.

In view of the foregoing amendments and remarks, Applicant submits that all of the claims are patentably distinct from the prior art of record and are in condition for allowance. The Examiner is respectfully requested to reconsider claims and pass the above application to issue. The Examiner is invited to contact the undersigned at the telephone number listed below, if

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needed. Applicant hereby makes a written conditional petition for extension of time, if required.  
Please charge any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit  
Account No. 50-2041 (Whitham, Curtis & Christofferson, P.C.)..

Respectfully submitted,



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